

**REMARKS**

Applicant respectfully requests favorable reconsideration of this application, as amended.

Claims 1–5 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ruff (US 6,241,747), while Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruff. Claims 1–4 and 6 have been amended for reasons unrelated to patentability, i.e., to remove parenthetical reference numbers and the descriptor “characterized in that.” Claim 5 has been canceled without prejudice, and Claim 6 has been rewritten in independent form. Applicants respectfully traverse the merits of the novelty and obviousness rejections.

Ruff discloses a rigid, barbed bodily tissue connector that permits a surgeon to close a body wound without threading and tying numerous individual stitches. *See, e.g.*, Col. 1:11–13, Col. 2:34–39, Col. 4:26–29, etc. Ruff teaches that his connector is either gripped in the surgeon’s hand and pushed into the body tissue, or, alternatively, introduced using an inserting device. *See, e.g.*, Col. 6:24–29; FIGS. 10–11. Ruff’s connector is particularly preferred when the surgeon only has access to body tissue from a small opening or from only one direction, such as during an endoscopic procedure. *See, e.g.*, Col. 2:45–48.

While Ruff also discloses that his “connector can also be sewn into tissue, as by a conventional technique” (Col. 6:62–63), Ruff’s connectors are not surgical threads for use in cosmetic operations such as plastic surgery. *See, e.g.*, Specification at Page 1 (1<sup>st</sup> Paragraph). Furthermore, Ruff’s rigid, bodily tissue connectors are intended for wound surgery, and Applicants respectfully submit that one skilled in plastic surgery would not look to Ruff’s invention due to the disparate requirements attendant therewith. Consequently, Ruff fails to disclose a surgical thread for cosmetic operations, as recited by Claims 1 and 6.

Additionally, with respect to Claim 6, Applicants respectfully submit that the claimed surgical thread with inclined notched protrusions in the form of needles with fixation sockets is not merely “constructing a formerly integral structure” (i.e., Ruff’s connector with barbs) “in various elements” as alleged by the Office Action (Page 4). *In re Dulberg*, 289 F.2d 522, 129 USPQ 348 (CCPA 1961) is cited in support;<sup>1</sup> however, the Office Action’s reliance on this legal precedent is misplaced. In *Dulberg*, the applicant’s removable cap for a lipstick holder was found to be an obvious modification of a prior art press fit cap. In contradistinction, Ruff

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<sup>1</sup> *See*, MPEP § 2144.04(V)(C) (Making Separable).

teaches that his barbs are formed jointly with the body of his connectors, i.e., connector 2 is formed by injection molding, connector 52 is formed by removing material from a piece of stock, etc. Furthermore, Ruff simply fails to suggest to one skilled in the art that his barbs may be formed separately and then fixed to his connectors. Moreover, there is no evidence in the record to support an allegation that such a modification would involve "only routine skill in the art."

Accordingly, Claims 1 and 6 are allowable over Ruff. Claims 2-4 and 7, depending from Claim 1, are also allowable, at least for the reasons discussed above.


In view of the remarks presented herein, Applicants respectfully submit that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,



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